

William X Nietzsche  
64406 N Mississippi Ave  
Portland, Oregon [97217]

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION**

William x Nietzsche,  
Plaintiff,

V.

Tristan Mahan,

Defendant(s)/Respondent(s)

) Case # 3:20-cv-1485 HZ  
)  
) ACTION FOR NEGLIGENCE  
) (VERIFIED)  
) DEMAND FOR JURY TRIAL  
)  
)  
)

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**CAUSE OF ACTION FOR NEGLIGENCE**

(NEGLIGENCE-AUTOMOBILE-GUEST PASSENGER-SECOND PARTY DRIVER)

COMES NOW Plaintiff William X Nietzsche, a People of this American Republic, and in this Court of Record brings this verified action summoning Tristan Mahan (hereinafter defendant), to answer plaintiff in a plea of negligence, to wit:

**JURISDICTION**

1. This court of record has subject matter jurisdiction pursuant to Article III section 2 of the Constitution for the united States of America 1791;
2. Article VI clause 2 of the Constitution for the united States of America 1791;
3. The Treaty of Peace and Friendship 1786 and 1836;
4. There is complete diversity of Nationality and/or citizenship.
5. and the object of the litigation is related to bodily injury damages and loss wages in an amount greater than \$75,000.
6. This court has supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367.
7. These claims are so related to the federal claims that they form part of the same case or controversy.
8. The court has personal jurisdiction over the Defendant.
9. Venue is proper because the acts or omissions giving rise to the claim occurred in Salish /

Multnomah Territory [Portland, Oregon Republic];

10. This action is timely as it is brought within two (2) years of the acts or omissions giving rise to this claim.

#### **PARTIES**

11. The Plaintiff, William X Nietzsche, (hereinafter referred to as the plaintiff), proceeding in proper persona sui juris, is a Salish Moor, American National, aboriginal indigenous to the continent known as North America whose domicile is Salish Multnomah territory or corporately known as [Portland, Oregon].
12. The Defendant, Tristan Mahan (hereinafter referred to as the Defendant) at all times relevant hereto, is a U.S. citizen and a citizen of the State of Oregon and resides in Multnomah County.

#### **FACTS**

13. On or about November 5, 2018, the Plaintiff was a guest passenger in a 2015 Toyota Black Scion automobile.
14. Said automobile was operated by Riley Conner;
15. Wherein said automobile was heading west on NE Couch Street;
16. Traveling through a green-light at the intersection of NE Couch Street and Martin Luther King Blvd;
17. NE Couch Street is one-way street heading west.
18. At said time and place, the road and weather conditions were dry.
19. At said time and place the Defendant was operating a 2015 greyish black Dodge Charger automobile;
20. Wherein said automobile was heading North on Martin Luther King Jr Blvd.
21. Whereby running a red-light;
22. And T-boning the driver's passenger side of the Scion;
23. Martin Luther King Blvd is a one-way street heading North;
24. At said time and place, Defendant operated his automobile in a negligent and reckless manner by: speeding thus violating ORS 811.111;
25. and running a red light at a two-way intersection thus violating ORS 811.265.

26. At said time and place, the automobiles being operated by Riley Conner and the Defendant collided causing the Plaintiff to sustain: severe and permanent injuries; past, present and future pain and suffering; past, present, and future mental anguish; loss of enjoyment of life's activities; lost wages; lost or diminished earning capacity; past, present and future medical bills and expenses.

## **CLAIMS FOR RELIEF**

### **FIRST CLAIM OF RELIEF**

#### **(Negligence-Against Tristan Mahan)**

27. Plaintiff realleges and incorporates by reference all those facts and allegations in paragraphs 1 through 26 above and further alleges:
28. The collision was caused by the recklessness, carelessness and negligence of the Defendant, Tristan Mahan, for that among other acts and omissions the Defendant:
- a. operated the motor vehicle at a high, dangerous and excessive rate of speed under the circumstances then and there existing;
  - b. failed to reduce speed to avoid a collision;
  - c. failed to observe due care and precaution and to maintain proper and adequate control of the motor vehicle;
  - d. failed to keep a proper lookout for other vehicles lawfully upon the highway;
  - e. failed to exercise reasonable care in the operation of the motor vehicle under the circumstances then and there existing; and
  - f. In other respects not now known to the Plaintiff but which may become known before or at the time of trial.
29. As a direct and proximate result of the negligence and carelessness of the Defendant, the Plaintiff:
- a. suffered serious, painful and permanent bodily injuries, great physical pain and mental anguish, severe and substantial emotional distress, loss of the capacity for the enjoyment of life;
  - b. was, is and will be required to undergo medical treatment and to incur medical costs and expenses to alleviate injuries, pain and suffering;
  - c. was, is and will be precluded from engaging in normal activities and pursuits, including a loss of ability to earn money and of actual earnings;
  - d. and, otherwise was hurt, injured and caused to sustain losses.

30. All of the Plaintiff's losses were, are and will be due to the carelessness and negligence of the Defendant, Tristan Mahan, without any negligence or want of due care on the Plaintiff's part contributing to the harm done.
31. The Defendant Tristan Mahan had a duty to: ORS 811.111 and ORS 811.265.
32. The Defendant breached the duty delineated hereinabove proximately causing or proximately contributing to cause of violation and Plaintiff's damages alleged herein.

**LAW OF THE CASE**

33. Exhibit "XX" is incorporated by reference as though fully stated herein.

**DEMAND FOR RELIEF**

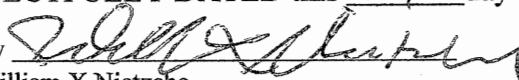
34. For said causes of action therefore Plaintiffs brings its suit.

WHEREFORE, Plaintiff demands judgment against Defendant as follows:

- A) Trial by Jury;
- B) Judgment for Plaintiff and against defendant;
- C) An award of damages which willfully and fairly compensate Plaintiff for severe and permanent injuries; past, present and future pain and suffering; past, present, and future mental anguish; loss of enjoyment of life's activities; lost wages; lost or diminished earning capacity; past, present and future medical bills and expenses.
- D) That the court grant Plaintiff his attorney fees;
- E) That the court grant Plaintiff such other and further relief as the court deems proper;
- F) For interest as allowed by law; and
- G) For costs of suit incurred.

I declare under penalty of perjury that the foregoing facts are true and correct to the best of affiants knowledge.

RESPECTFULLY DATED this 24 day of August, 2020.

By   
William X Nietzsche  
In Solo Proprio, In Proper Persona,  
Sui Heredes, Sui Juris [Pro se]

ALL RIGHTS RESERVED

## VERIFICATION

I, William X Nietzsche, verify under oath that:

- 1) I have reviewed the complaint;
- 2) I have personal knowledge of the facts contained herein and believe them to be true;
- 3) The allegations of which I do not have personal knowledge, I believe them to be true based on specified information, documents or both.

[State of OREGON]

County of Multnomah

Signed and sworn to (or affirmed) before me on (date) August 24, 2020 by  
(name(s) of individuals making statement) William X Nietzsche.

Christina Louise Yochum

Notary Public – [State of Oregon]

Official Stamp

